

AARON DAVID SILVER
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FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

10 JUL 22 PM 2:04 *JS*

CLEVERLY

July 19, 2010

Honorable Bruce D. Black
United States District Court Judge
Santiago E. Campos Courthouse
106 S. Federal Place
First Floor
Santa Fe, NM 87501

And by Facsimile to: 505-955-8835

Dear Judge Black:

re: Civ. 08mc0015 BB

I would like to address two points in this letter, and I am copying Mr. Arland and sending an original to the Clerk:

First: In response to your Memorandum Opinion and Order in subject case, your opening sentence and footnote – “Although Silver appears pro se, he is an attorney who has been disbarred” -- is *absolutely incorrect*. My only degrees are BA University of Chicago 1962 and MBA University of Chicago 1963. I have never attended law school. I have never held a law degree. I have never been licensed to practice law. And, therefore, I have never been disbarred.

What I am is an author of 32 books on entrepreneurship and finance, read by millions of aspiring entrepreneurs, many of whom fly into Santa Fe to meet with me (which is an economic stimulant) with several more books in development. I am an investment banker with more than 500 successful transactions to my credit, and no regulatory complaints in a 38-year career. One of my successful transactions, Mesa Diagnostics, Inc., was acknowledged by President Reagan in his State of the Union address when I raised \$1.5 million to transfer a technology

developed at Los Alamos National Laboratory to an entrepreneurial company by the name of Mesa Diagnostics, Inc., which created a number of jobs in New Mexico. It was the first such technology transfer from a national laboratory to an entrepreneurial company. The technology is a flow cytometer and it is in wide use to detect highly destructive diseases in minutes rather than in days.

As soon as I came to New Mexico in 1981, I immediately founded and funded the Venture Capital Club of New Mexico out of my pocket for eleven years with dinner meetings on the third Thursday of each month to enable New Mexico entrepreneurs to present their business plans orally to New Mexico angel investors. Out of this effort, among other things, came the E-Z Pass, a RFID chip affixed to car and truck windshields used around the world to speed traffic through toll gates and thereby lower carbon emissions. The E-Z Pass was also developed at Los Alamos National Laboratory. These two local deals, among others, created numerous technology, administrative and blue collar jobs in New Mexico.

I have a very good record of job creation in New Mexico, and I do not intend to stop bringing employment and tech businesses to New Mexico.

I served as President of the Board of Trustees of Santa Fe Preparatory School during six very difficult years, which included two headmaster removals and searches plus budget crises.

My *curriculum vitae* is enclosed. There is nothing in my c.v. to indicate that I have never been a lawyer, much less a disbarred lawyer. I have also enclosed an Affidavit to that effect.

Second: I cannot attend the hearing on July 26, 2010 as I will be in Birmingham, AL. A copy of my purchased ticket is enclosed. Perhaps because of my recent move from Espanola to Santa Fe, the post office was quite slow in getting your Memorandum Opinion and Order to me, which I read for the first time on July 16, 2010.

In Birmingham, I will be presenting, along with my clients, a number of alternative energy funding opportunities to a new fund created by the State of Alabama. I have worked on these funding opportunities for many months. They

include solar, cubing (a logistics software), reforestation, miscanthus (a grass with the properties of coal, but without the carbon emissions), sorghum (it creates alternative fuel, syrup and wood), and municipal solid waste to carbon-free fuel, with the possibility of adding a couple more presenters, as they keep coming in to my Santa Fe office. I have scheduled meetings with the representatives of the three utility companies of Alabama with my clients as well as a commercial real estate firm that will present office space ideas for the six (or more) companies. The companies, if funded, will be monitored in part from New Mexico, thus more jobs for our state.

There is a rubber band on the funds. They must be returned if not invested within several weeks from July 26. Therefore, for me to push back the Birmingham meetings would be bad for the fund managers, the officers of the utilities, the commercial real estate personnel, the state of Alabama, the state of New Mexico, the alternative energy companies and their current and future employees. It would be bad for me as well. See attached copy of my purchased ticket.

My schedule is wide open for the weeks of August 2, 9, 16 and 23 if that works for you and Mr. Arland.

Thank you for your consideration.

Also, please note my new address, phone number and fax number.

Sincerely yours,



David Silver

Enclosures: C.V., Affidavit and Airline Ticket

cc list is attached

cc: William J. Arland, III
1160 Old Pecos Trail
Suite A
Santa Fe, NM 87504
and P.O. Box 1089

Clerk of the Court
United States District Court for New Mexico
Suite 270
333 Lomas Blvd. N.W.
Albuquerque, NM 87102

DAVID SILVER

CURRICULUM VITAE

Born: Knoxville, TN 1941

Education: BA, International Relations, University of Chicago, 1962

MBA: Finance, University of Chicago, 1963

Employment: Chase Manhattan Bank, 1963 – 1967, commercial banking
Kuhn, Loeb & Co., 1967 -1970, investment banking

Investment banker 1971 to present, initially through ADS Financial Services, Inc. and subsequently through Santa Fe Capital Group

Clients for whom I have raised capital:

At Chase Manhattan: J. I. Case, Chicago White Sox, Eaton Corp., Owatonna Mfg. Co., Tensor Corp., The original Visa card, Varig Airlines, plus others.

At Kuhn, Loeb & Co.: Automatic Data Processing(*), Allen Babcock computing, B.A.R.T., Boothe Computer Corp., Broxodent's sale to Bristol Myers, Chevway(*), Codex (the first modem manufacturer, acquired by Motorola), El Al Israel Airlines, Hambrecht & Quist Venture Fund I, ITT Corp. (various acquisitions for Harold Geneen), Levin-Townsend Computer Inc., Litton Industries, Inc., M.A.R.T.A., Newark Airport, New Court Private Equity Fund (the Rothshilds' first U.S. venture fund, Scientific-Atlanta, SeaTrain Lines(*) and Overseas Shipping Group, plus others.

At ADS Financial Services, Inc. and Santa Fe Capital Group: Abbey Staffing Co., Actmedia(*), Advo Systems, Allcom Corp., American Bonding Corp., Bobby McGee's Conglomeration, Bustin Industrial Products, Carey Limousine, Catalog.com, Comtech, LBO of the Compressor Division of Sunstrand Corp., Central Data Corp., CollarFree.com, Collisionhub.com, Cognition Technologies, Inc., Dallas Aces, Decision PointSystems, Diginexus, EasyTel, Enercicle (converts trap grease to ethanol), Forgefinder.com, FoxMyer Drug Co.(*), Hausman Broadcasting Corp., Green Nexxus, iBoats.com, JavaNet, Mine & Smelter Supply, Omelette Shops, One Oncology Corp., Orbid Corp., Peachtree Software Corp., Plastyc, Inc., Red Roof Inns, Reliant Hospital Partners, LLC (**), Remington Brands (Victor Kiam's LBO of a shaver company)(*), Tag Poly Bag, Inc., TIE Communications, The Mayfield Fund I, various work-out assignments for Sequoia Capital, LLC, Xing

Technologies (inventor of MP3, and acquired by RealNetworks) plus hundreds of others. (*) Produced capital gains in excess of 100:1.(**) The most recent funding that I raised. Reliant is a rehabilitation hospital chain based in Addison, TX.

Current Investment Banking Activities: I am attempting to learn the unique means of financing start-ups in alternative energies including raw materials such as algae, almond shells, clean coal, municipal solid waste, solar, trap grease, wind and wood chips. I have a handful of clients in these fields.

Movies: Gary Kurtz's interest in *Return of the Jedi* and *The Dark Crystal*, plus *Taipan*.

Merger and Acquisition Activities: From 1996 to 2000, I brokered the sale of 90 Internet service providers and Web hosts, as well several national backbones including one owned by News Corp. Buyers included Earthlink, Interliant, Micron Technologies, Rocky Mountain Internet, U.S. Industries, Verio and Winstar among others.

Books That I Have Written:

Corporate Venture Capital Investing, The Radical New Road to Wealth, The Start-Up Directory, Upfront Financing, The Entrepreneurial Life, Entrepreneurship, Venture Capital, The Young Person's First Guide to Wealth, When the Bottom Drops, Who's Who in Venture Capital I, Who's Who in Venture Capital II, Who's Who in Venture Capital III, Entrepreneurial Megabucks, The Silver Prescription, Strategic Partnering, The Inside Raider, The Middle Market Leveraged Buyout Directory, The Turnaround and Survival Guide, The Entrepreneurial Life-Revised, Enterprising Women, The Inside Raider, Close Any Deal, Cash in on Cash Flow, Cashing Out, The Business Bible of Survival, The Bankruptcy Turnaround and Workout Guide, Quantum Companies, Quantum Companies II, Smart Start-ups; How Entrepreneurs and Corporations Can Profit by Starting an Online Community, and The Social Network Business Plan, plus two books in development.

My Publishers:

John Wiley & Sons, Inc., Dearborn Publishing Co., Harper Collins, McGraw-Hill Corp., Prentice-Hall, Inc., Audio Forum, Amacom and Prima Publishing, among others.

Journals That Have Run My Articles:

The Wall Street Journal, The New York Times, The Venture Capital Journal, The Journal of Accountancy, Best's Review, Glamour, Venture, Success, The Toronto Globe, Entrepreneur, Forbes (columnist) and numerous newspapers.

Pro-Bono Activities in Venture Capital:

Founded the Association of Venture Capital Clubs – dinner clubs where entrepreneurs would present their business plans orally to angel investors, in five minute forums, for which I launched 32 individual clubs in the U.S. and abroad, many of which are still running.

Not-for Profits that I Have Been a Board Member of:

NFTE (The National Foundation to Teach Entrepreneurship), founding director, The Association of Venture Capital Clubs (Founder, CEO), Temple Beth Shalom, Santa Fe, NM, (Building Fund Chairman), Santa Fe Preparatory School (President of the Board –six years), Venture Capital Club of New Mexico (Founder and President for Eleven Years), and The I Have a Dream Foundation (Founder, Santa Fe Chapter), Founder of the University of Chicago Club Alumni Recruiting Association, and President of the University of Chicago Club of New York (for five years).

Special Honors:

Advisor to the U.S. Department of Commerce on making capital available to minorities, including co-authoring the design of the Minority Enterprise Small Business Investment Company Act.

Golf: I played on the University of Chicago golf team, and had the privilege of playing against Jack Nicklaus and Tom Weiskopf when they were at Ohio State. I was club champion of Garrison Golf Club, Garrison, NY, in 1976, and on the winning member-guest team at Sleepy Hollow Country Club, Tarrytown, NY, in 1980. I have played on 40 of the world's greatest golf courses en route to a goal of playing on 100 of them, ranked by *Golf Digest*.

The Technology Transfer from Los Alamos National Laboratory to Mesa Diagnostics, Inc., a company that I co-founded in 1983, to develop a flow cytometry device to detect strep throat in a matter of minutes, was cited by President Reagan in a State of the Union Address as the first technology transfer from a national laboratory to an entrepreneurial company.

Invited by President Bill Clinton to speak to 350 women entrepreneurs who were invited to the White House in 1996.

Advisor to the Governments of South Africa, Malaysia and Singapore on entrepreneurship.

Invited to speak at myriad MBA programs including those of the University of Chicago, Harvard, Nebraska, New Mexico, NYU, Northwestern, Pennsylvania, Tennessee, Vanderbilt, Virginia, Witwatersrand, Yale and others, and through this process, I have attracted some outstanding interns, with strengths in quantitative analysis, Web search and Monte Carlo simulations used in valuing companies.

I regularly speak several times a year at seminars organized by social media associations on the subject of social networks, most recently for the San Francisco Chapter of the Association for Corporate Growth.

The E-Z Pass RFID tag, manufactured by Mark IV Industries, Inc., was funded by angel investors who learned of it from its developer Gary Seawright, a Los Alamos National Labs scientist, at the Venture Capital Club of New Mexico, which I founded and funded for 11 years; Santa Fe, NM gained 165 jobs.

As founder of the I Have a Dream Program's Santa Fe chapter, I guaranteed full scholarship four-year college education for 70 6th graders at Aqua Fria Elementary School. Those were children from poor homes. Homework classes were set up in the afternoon and weekend cultural trips, park clean-ups and community service activities, were organized for several years. Bottom line: 49 children were accepted at colleges all over the country and all of them graduated and have become active contributors to their communities.

February 2010

AFFIDAVIT OF AARON DAVID SILVER

Under penalty of perjury, I herewith state as follows:

My name is Aaron David Silver, and it has never been anything but.

I was born to Leo and Sylvia Silver in Knoxville, TN on March 28, 1941.

I excelled in school and golf, and while President of Fulton High School's Key Club, we won the Best Key Club in the nation award, and were handed the trophy at the Key Club International convention in New Orleans, LA in 1958 by Harold Stassen and Kim Novak.

I graduated Knoxville, Fulton High School in June, 1959.

I began my freshman year at the University of Chicago in September, 1959 and earned a BA degree in International Relations in June, 1962.

I began my first year at the University of Chicago Graduate School of Business in June, 1962 and graduated with an MBA degree in December, 1963.

I was hired by Chase Manhattan Bank and moved to New York City in February, 1964.

I was trained as a loan officer in the bank's Special Development Program, and I remained at the bank until 1967.

I was hired by Kuhn Loeb & Co. in 1967 and was trained as an investment banker by the partners of this esteemed firm from 1967 to 1972.

I learned how wealth was created – by backing entrepreneurs – and with a bonus awarded to me by Kuhn Loeb's partners, I bought a home above the Hudson River in upstate New York in 1974. (Kuhn Loeb was acquired by Lehman Bros. in 1976.)

In 1972, I left to go on my own and begin working with early stage companies and entrepreneurs. From that time until the present, I have raised several hundred million dollars for more than 500 entrepreneurial companies.

In 1981, I moved to Santa Fe, NM and continued raising capital for entrepreneurs.

Because I felt that entrepreneurs would not wish to work with me because of my Santa Fe address, I began writing books on entrepreneurship in 1981.

I have been honored for my books, including USA Today reporting that "If entrepreneurship has a high priest, it is David Silver."

I have written columns for Forbes magazine, and articles for the New York Times, the Wall Street Journal, the Journal of Accountancy, Best's Insurance Review, Glamour and more.

In 1996, I was invited to speak by President Clinton to 350 women entrepreneurs who were attending a women's entrepreneurship function at the White House. An article of mine in the Wall Street Journal about how women entrepreneurs were the nation's greatest economic driver was the reason for the invitation.

Since 1981, I have written 32 published books on entrepreneurship and I speak at between four to five venues a year, primarily graduate schools of business. In 2009, I spoke at the University of Chicago, Northwestern University, the University of Tennessee and the Association for Corporate Growth's San Francisco Chapter.

I have never been contacted by or cited by a securities industry regulatory agency for acting inappropriately or illegally.

I have never represented to anyone that I am a lawyer.

I have never attended law school.


I have never been issued a degree from a law school.

I have never studied for the bar.

I have never passed the bar.

I have never been a lawyer.

Further affiant sayeth not.



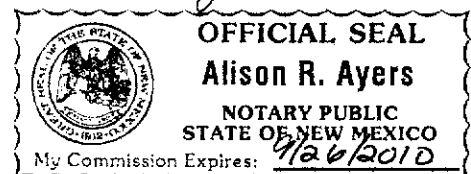
Aaron David Silver

7/19/10

Date

The above person appeared before me, a notary public, on July 19, 2010 and I witnessed his signature.


My license expires on : 9/26/2010



David Silver




From: Hilton Garden Inn Confirmed [hiltongardeninn@res.hilton.com]
Sent: Wednesday, July 14, 2010 11:50 AM
To: dsilver@sfcapital.com
Subject: Hilton Garden Inn Confirmation #3391389193






Hilton Garden Inn Birmingham/Lakeshore Drive

520 Wildwood Circle Drive
 North
 Birmingham, AL
 United States, 35209
 Tel: 205-314-0274
 Fax: 205-314-0275





Confirmation Number: **3391389193**


> [Click here](#) to view or edit your reservation.

Name:	A David Silver
Hilton HHonors® Number:	144343711
Corporate ID Number:	2666284
Arrival Date:	26 Jul 2010
Departure Date:	28 Jul 2010
Check-in Time:	3:00 PM
Check-out Time:	12:00 PM

Account Preferences


 **Manage My Account**

 **Earnings Style:**



HHonors Points and Variable Miles

Earn up to 30,000 HHonors points with the no-annual fee Hilton HHonors Credit Card from American Express®. Earn 20,000 HHonors bonus points after your first purchase on the card! [Click here](#) to learn more and apply.



Rate Information:

Rate Type:
FAMILY-WIDE 10

Rate per night:	116.10 USD
Total for Stay per Room:	
Rate	232.20 USD
Taxes	39.47 USD
Total	271.67 USD

Total for Stay: **271.67 USD**

Includes estimated taxes and service charges. (Gratuities not included.)

Tax:

- There is a 17.00% Per Room Per Night tax.

Additional Charges:

- Self parking: 0.00/night

Rate Rules and Cancellation Policy:

- Your reservation is guaranteed for late arrival.
- Please contact us should you need to cancel your reservation.
- Cancellations are required by 11:59 PM on 25 Jul 2010 local hotel time.
- Cancellation penalties may apply.

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the Travel Group

Alpine & Destinations Travel Agencies

ITINERARY

PAGE NO. 1

PNR: 1P-MIHYXE

Hotel & Car.

ARRON SILVER
SANTA FE CAPITAL GROUP
4001 OFFICE COURT DR.
SUITE 604
SANTA FE NM 87507

1. SILVER/AARON

2. SMITH/JOSHUA

PAT

15JUL10

A MO 26JUL LV ALBUQUERQUE 820A DELTA 1452Q OK
AR ATLANTA 126P 0STOP M80
DL CONFO *PBWEQK

SEAT 25-C **RESERVED**
SILVER/AARON
SEAT 25-A **RESERVED**
SMITH/JOSHUA

A MO 26JUL LV ATLANTA 230P DELTA 5354Q OK
AR BIRMINGHAM-BHM 221P 0STOP CRJ
OPERATED BY ASA DBA DELTA CONNECTION
DL CONFO *PBWEQK

SEAT 08-B **RESERVED**
SILVER/AARON
SEAT 08-A **RESERVED**
SMITH/JOSHUA

A WE 28JUL LV BIRMINGHAM-BHM 300P DELTA 5303U OK
AR ATLANTA 509P 0STOP CRJ
OPERATED BY ASA DBA DELTA CONNECTION
DL CONFO *PBWEQK

SEAT 02-C **RESERVED**
SILVER/AARON
SEAT 02-D **RESERVED**
SMITH/JOSHUA

A WE 28JUL LV ATLANTA 555P DELTA 280U OK
AR ORLANDO-MCO 733P 0STOP 757
DL CONFO *PBWEQK

SEAT 26-A **RESERVED**
SILVER/AARON
SEAT 26-B **RESERVED**
SMITH/JOSHUA